UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANWAR ALKHATIB,
Plaintiff,

-against-

Case No. 13-CV-2337 (ARR) (SMG)

NEW YORK MOTOR GROUP LLC,
PLANET MOTOR CARS, INC.,
MAMDOH ELTOUBY, AND
NADA SMITH
Defendants.

SHAHADAT TUHIN
Plaintiff,

-against-

Case No. 13-CV-5643 (ARR) (SMG)

NEW YORK MOTOR GROUP LLC,
PLANET MOTOR CARS, INC.,
MAMDOH ELTOUBY, AND
NADA SMITH
Defendants.

SIMON GABRYS,
Plaintiff,

-against-

Case No. 13-CV-7290 (ARR) (SMG)

NEW YORK MOTOR GROUP LLC,
PLANET MOTOR CARS, INC.,
MAMDOH ELTOUBY, AND
NADA SMITH
Defendants.

BORIS FREIRE, et al,
Plaintiffs,

-against-

Case No. 13-CV-7291 (ARR) (SMG)

NEW YORK MOTOR GROUP LLC,
PLANET MOTOR CARS, INC.,
MAMDOH ELTOUBY, AND
NADA SMITH
Defendants.

ZHENG HUI DONG, Plaintiff, -against- NEW YORK MOTOR GROUP LLC, PLANET MOTOR CARS, INC., MAMDOH ELTOUBY, AND NADA SMITH Defendants.	**Case No. 14-CV-2980 (ARR) (SMG)**
NASRIN CHOWDHURY, Plaintiff, -against- NEW YORK MOTOR GROUP LLC, PLANET MOTOR CARS, INC., MAMDOH ELTOUBY, AND NADA SMITH Defendants,	**Case No. 14-CV-2981 (ARR) (SMG)**
TAREQUE AHMED Plaintiff, -against- NEW YORK MOTOR GROUP LLC, PLANET MOTOR CARS, INC., MAMDOH ELTOUBY, AND NADA SMITH Defendants.	**Case No. 15-CV-0284 (ARR) (SMG)**
YSABEL BANON, Plaintiff, -against- NEW YORK MOTOR GROUP LLC, PLANET MOTOR CARS, INC., MAMDOH ELTOUBY, AND NADA SMITH Defendants.	**Case No. 15-CV-4691 (ARR) (SMG)**

CHEA SUNG PARK,
Plaintiff,

-against-

Case No. 15-CV-5374 (ARR) (SMG)

NEW YORK MOTOR GROUP LLC,
PLANET MOTOR CARS, INC.,
MAMDOH ELTOUBY, AND
NADA SMITH
Defendants.

DECLARATION IN SUPPORT OF PLAINTIFFS' MOTION IN LIMINE FOR SPOLIATION SANCTIONS

Ariana Eva Lindermayer, an attorney duly licensed to practice law in the State of New York, does hereby declare pursuant to 28 U.S.C. § 1746 that the following facts are truthful:

1. I am a senior staff attorney at MFY Legal Services Inc., counsel for Plaintiff Shahadat Tuhin in one of the above-referenced actions, and, as such, am familiar with the facts and documents relevant to this dispute.
2. I make this Declaration in Support of Plaintiffs' Motion in Limine for Spoliation Sanctions.
3. Specifically, I submit this Declaration to place before the Court true and correct copies of the following exhibits referenced in the Plaintiffs' Memorandum of Law:
   a. Exhibit A: Transcript of Deposition of Nada Smith, taken February 26, 2015
   b. Exhibit B: Transcript of Deposition of Ysabel Banon, taken August 5, 2016
   c. Exhibit C: Transcript of Deposition of Mamdoh Eltouby, taken April 27 and 28, 2015
   d. Exhibit D: Letter from Ariana Lindermayer to New York Motor Group, dated September 12, 2013

e. Exhibit E: Letter from Ariana Lindermayer to Mamdoh Eltouby, dated September 24, 2013

f. Exhibit F: District Attorney Queens County, Press Release, March 24, 2014

g. Exhibit G: Transcript of Deposition of Shahadat Tuhin, taken October 27, 2014 and November 3, 2014

h. Exhibit H: Transcript of Deposition of Julio Estrada, taken March 30, 2015

i. Exhibit I: Emails from Ahmad Keshavarz to Lloyd Weinstein, dated December 3, 2013 and December 9, 2013

j. Exhibit J: Email from Lloyd Weinstein to Ariana Lindermayer, dated March 13, 2014

k. Exhibit K: Plaintiffs' Omnibus Request for Production of Documents, dated July 3, 2014

l. Exhibit L: NYMG's Response to Plaintiffs' Omnibus Request for Production of Documents, dated February 15, 2015

m. Exhibit M: Emails from Ariana Lindermayer to Richard Simon, dated April 7, 2015 and April 16, 2015

n. Exhibit N: Third Party Subpoena to Auto Solution

o. Exhibit O: Transcript of Deposition of Boris Freire, taken January 21, 2015

4. Plaintiffs received no response to the requests in Exhibit M.

5. Plaintiffs received no response to the requests in Exhibit N.

6. The legal arguments relevant to this motion, setting forth the reasons that Plaintiffs' motion should be granted, have been set out in Plaintiffs' Memorandum of Law.

7. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY
February 27, 2017

/s/ Ariana Lindermayer

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